

Amendment No. 1 to HB0542

Ramsey  
Signature of Sponsor

**AMEND Senate Bill No. 962**

**House Bill No. 542\***

by deleting the language after the enacting clause and substituting the following language in its place:

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 10, Part 1, is amended by adding the following language as a new section:

53-10-112.

(a) For purposes of this section:

(1) "Pharmacist" has the same meaning as defined in § 63-10-204; and

(2) "Pharmacy" has the same meaning as defined in § 63-10-204.

(b) A pharmacy owner, manager or operator shall respect the professional judgment of the pharmacist in holding the health and safety of a patient to be their first consideration.

(c) A pharmacist shall, by utilizing education, skill, experience and professional judgment, make every reasonable effort to prevent the abuse of drugs which the pharmacist dispenses. In doing so, a pharmacist may decline to dispense to a patient a legend drug which in that pharmacist's professional judgment, lacks a therapeutic value for the patient or which is not for a legitimate medical purpose.

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(d) A pharmacist shall not be subject to any penalty or fine when fulfilling their obligation to uphold the health and safety of a patient which results in their decline to dispense any legend drug.

(e) It shall be a Class A misdemeanor, punishable by fine only, for the owner, manager or operator of a pharmacy to knowingly restrict or interfere with, or knowingly require a protocol or procedure that restricts or interferes with, a pharmacist's professional duty to counsel with patients and to evaluate the patients' appropriate pharmaceutical needs and the exercise of the pharmacist's professional judgment as to whether it is appropriate to dispense a legend drug to a patient.

SECTION 2. This act shall take effect July 1, 2013, the public welfare requiring it.